

ARTICLE 28.
Disciplinary Actions Authority

* * *

Section 9.

The award of the Arbitrator shall state whether the Chief's disciplinary decision(s), which includes the original written statement and charges, is supported in whole or in part by a preponderance of the evidence considering the reliable and probative evidence in the record as a whole.

If the Chief's decision, or any part thereof, is supported by the evidence, the Arbitrator shall uphold a disciplinary action less than an indefinite suspension unless it is arbitrary, unreasonable, or unrelated to the needs of the service.

~~An indefinite suspension shall be upheld if the Chief's decision, or any part thereof, is supported by the evidence unless the Officer establishes that the Officer's conduct is not a substantial shortcoming.~~

A "substantial shortcoming" is defined as either (1) a violation or conduct which renders the officer's continuance in office in some way detrimental to effective law enforcement and the needs of the Department, or (2) which the law and sound community expectations recognize as good cause for depriving the officer of his/her position. If the Arbitrator finds the Chief's decision must be modified after proof by the Officer of either (1) or (2) of the above standards, this agreement authorizes an arbitrator to reduce an indefinite suspension to a period greater than 45-days.

Deleted: will

Deleted: termination will

Deleted: a substantial shortcoming of the officer is proved.

Deleted: of the officer"

Deleted: that

Deleted: the discipline and efficiency of the service

Deleted: and

Deleted: public opinion

Deleted: under

Date: _____

For the City

For the Association